



UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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In re application of

Finders et al.

Serial No. 09/671,802

Filed: September 28, 2000

For: LITHOGRAPHIC METHOD AND APPARATUS:

DECISION ON
PETITION

This is a response to the STATEMENT TO PATENT OFFICE IN SUPPORT OF NON-RECEIPT OF ELECTION REQUIREMENT, filed August 26, 2002. Note that no Notice of Abandonment has been mailed in this case. An Office Action was mailed on January 10, 2002. Since no reply was received, this application effectively went abandoned July 11, 2002. The petition requests that the effective abandonment for failure to timely file a proper response to the Office letter mailed January 10, 2002 be withdrawn. The petitioner asserts that the Office letter was not received by the applicants or any authorized representative of the applicants.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

The evidence presented is sufficient to establish that the above noted Office letter was not received by petitioner. The evidence provided includes a statement by the petitioner that the Office letter was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Office letter was not received. Also provided is a copy of the attorney's application docket records where the Office letter would have been posted had it been timely received.

Therefore, the effective abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for

prompt remailing of the Office letter to the correspondence address and restarting of the statutory period of response from the remail date thereof.

The Petition is **GRANTED**.



Jacqueline M. Stone, Director
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